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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,808	12/03/2001	David L. Dinwoodie	4044-00200	1704

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,808

Applicant(s)

DINWOODIE, DAVID L.

Examiner

Akiba K. Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-172 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-172 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/11/05, 4/2/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Due to communications filed 12/3/01, the following is a non-final office action. Claims 1-14 were cancelled, and claims 15-172 were added in an amendment filed 4/2/02. Claims 15-172 are pending in this application and have been examined on the merits. Claims 15-172 are rejected as follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15- are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolston (US 6,202,051), and further in view of Godin et al (US 5,890,138).

As per claims 15, 62, 64, 91, 103, 146, 148, Woolston discloses:

generating an asking bid/displaying at the auction site in real-time, the asking bid, (Col. 6, lines 27-28, post opening bid);

broadcasting in real-time over the network the asking bid to at least one of the plurality of bidders having data input devices, (Col. 6, lines 29-31, bid posting invoking auctioneer's voice);

generating bid acceptance signals representing a desire to acquire the subject of the auction at a current bid by the bidders using the data input devices communicating over the network to the auction site/ monitoring the network/the first network for bid

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acceptance signals/beginning a bid acceptance time window.../accepting a first bid acceptance signal.../generating a response...identifying the bidder...changing the asking bid to the current bid; , (Col. 6, lines 31-38, takes first highest bid which triggers voice generation);

generating a second asking bid; displaying at the auction site in real-time, a second asking bid and the current bid; broadcasting in real-time over the network the second asking bid and the current bid to at least one of the plurality of bidders; delaying the second variable controlled time window before accepting subsequent bid acceptance signals/generating a new asking bid; displaying..., broadcasting..., monitoring..., accepting... changing the new/second asking bid to the new/second current bid...(col. 6, lines 39-42, repeating);

monitoring the network for bid acceptance signals, (Col. 6, lines 31-38, takes first highest bid which triggers voice generation);

repeating...(Col. 6, lines 39-42, repeats process);

Woolston fails to disclose the following, but does disclose facilitating internet commerce through internetworked auctions in the abstract, lines 1-6.

However, Godin et al discloses:

delaying a variable controlled time window before accepting a first of a plurality of bid acceptance signals; accepting a first bid acceptance signal after the variable/second variable controlled time window; identifying the bidder whose bid acceptance signal was accepted as the current bidder/the new current bidder; changing the asking bid/the second asking bid to the current bid/new current bid/terminating the

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bid acceptance time window...identifying the bidder...generating a response...adjusting...terminating the modified bid..., identifying..., generating.../measuring the time between one action of accepting a first bid acceptance signal beginning a bid acceptance time window and the next subsequent action of accepting a first bid acceptance signal after beginning a bid acceptance time window/introducing a fixed program delay.../introducing a programmed delay time period...(Col. 1, line 62-Col. 2, line 13, where time window is represented by the time period, w/ col. 6, lines 38-42, repeating indicates process is done for a second time window);

adjusting the variable controlled time window before accepting subsequent bid acceptance signals to a second variable controlled time window/ wherein the action of adjusting the bid acceptance time window before accepting subsequent bid acceptance signals to a modified bid acceptance time window by modifying the variable controlled amount of time delay after broadcasting the asking bid and before beginning the bid acceptance time window; further comprises adjusting the adjusting the bid acceptance time window when the time between subsequent accepting actions reaches a controlled multiple of the time for the variable controlled amount of time delay, (Col. 6, lines 37-39, time let in auction frequently updated);

Godin et al discloses these limitations in an analogous art for the purpose of showing that time periods are used and incorporated into auction systems.

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate variable controlled time windows into auction systems with the motivation of accepting bids at different times.

As per claims 16, 63, 104, Woolston discloses:

repeating a cycle of generating, displaying, broadcasting, generating, delaying, monitoring, accepting, identifying, and changing, at least one additional cycle, each cycle starting with a new asking bid and ending with a new current bid which was the previous new asking bid and new current bidder, (Col. 6, lines 39-42, repeats process);

terminating the acceptance of bid acceptance signals before a new bid acceptance signal is communicated over the network to the auction site/identifying the most recent current bid as the winning bid/identifying the most recent current bidder as the winning bidder, (col. 6, lines 31-39, receives special acknowledgement that first bid was accepted before accepting another and posting the higher bid to all participants);

and

closing the auction, (Col. 6, lines 39-42, closes the auctioning),

As per claims 17, 18, 65, 66, 105, 106, 107, Woolston fails to disclose the following, but does disclose facilitating internet commerce through internetworked auctions in the abstract, lines 1-6.

However, Godin et al discloses:

further comprising adjusting the variable controlled time window/period before accepting bid acceptance signals to a modified variable controlled time window, wherein the adjusting occurs after one time window and prior to the next time window during the

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auction/ wherein for at least one cycle during the auction after one time window and prior to the next time window, the time window before accepting bid acceptance signals remains the same/wherein for at least one cycle during the auction after one time window and prior to the next time window the variable controlled amount of time to delay after broadcasting the asking bid and before opening the bid acceptance time window remains the same/ wherein generating a new/second asking bid by incrementing the current bid by a predetermined amount, (col. 1, line 62-Col. 2, line 13, where time window is represented by time period).

Godin et al discloses these limitations in an analogous art for the purpose of showing that time periods are used and incorporated into auction systems.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate variable controlled time windows into auction systems with the motivation of accepting bids at different times.

As per claims 30, 118, Woolston discloses:

wherein the communication over the network comprises communication of data over the Internet, (Abstract, lines 1-9, data presented through worldwide web).

As per claims 40, 81, 86, 87, 128, 133, 134, 155, 160,161,Woolston discloses:

wherein broadcasting in real-time over the network the asking bid to at least one of the plurality of bidders having data input devices comprises broadcasting in real-time over the network the asking bid to at least one of the plurality of bidders having data input devices located in a remote location from the auction site, (col. 6, lines 29-31, auctioneer's voice).

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As per claim 45, Woolston discloses:

wherein broadcasting in real-time over the network the asking bid to at least one of the plurality of bidders having data input devices comprises broadcasting in real-time over the network the asking bid to at least one of the plurality of bidders having data input devices located at the auction site, (Col. 6, lines 29-31, auctioneer's voice).

As per claim 46, Woolston discloses:

wherein broadcasting in real-time over the network the asking bid to at least one of the plurality of bidders having data input devices comprises broadcasting in real-time over the network the asking bid to at least one of the plurality of bidders having data input devices located in a remote location from the auction site and to at least one of the plurality of bidders having data input devices located at the auction site, (col. 6, lines 29-31, w/ col. 22, lines 51-53, posting bids invoking generation of auctioneer's voice).

As per claim 50, Woolston fails to disclose the following, but does disclose facilitating internet commerce through internetworked auctions in the abstract, lines 19-23.

However Godin et al discloses:

measuring the time between one action of accepting a first bid acceptance signal after the variable controlled time window and the next subsequent action of accepting a first bid acceptance signal after the variable controlled time window; wherein the action of adjusting the variable controlled time window before accepting subsequent bid acceptance signals to a second variable controlled time window, (Col. 1, line 62-Col. 2,

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line 13, where time window is represented by the time period, w/ col. 6, lines 38-42, repeating indicates process is done for a second time window);

further comprises adjusting the variable controlled time window before accepting subsequent bid acceptance signals to a second variable controlled time window when the time between subsequent accepting actions reaches a controlled multiple of the time for the variable controlled time window, (Col. 6, lines 37-39, time let in auction frequently updated);

Godin et al discloses these limitations in an analogous art for the purpose of showing that time periods are used and incorporated into auction systems.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate variable controlled time windows into auction systems with the motivation of accepting bids at different times.

4. Claims 19- are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolston (US 6,202,051), and further in view of Godin et al (US 5,890,138), and further in view of Risberg et al (US 5,339,392).

As per claims 19, 21, 22, 68, 69, 108, 109, 110, neither Woolston nor Godin et al discloses the following, however, Woolston does disclose facilitating internet commerce through internetworked auctions in the abstract, lines 1-6.

However, Risberg et al discloses:

wherein generating a second asking bid comprises generating a second asking bid by incrementing the current bid by a predetermined amount/further comprising adjusting the predetermined amount to increment the most recent current bid to a

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modified predetermined amount to increment the most recent current bid... /wherein for at least one cycle during the auction after one generation of an asking bid and prior to the next generation of an asking bid he predetermined amount to increment the most recent... (Col. 11, lines 27-30, data can be bid/ask data and is updated). Risberg et al discloses this limitation in an analogous art for the purpose of showing that bid/ask data can be updated.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to increment the current bid with the motivation of re-generating a newly, updated bid.

As per claims 20, 67, Woolston discloses:

repeating a cycle of generating, displaying, broadcasting, generating, delaying, monitoring, accepting, identifying, and changing each time starting with a new asking bid and ending with a new current bid which was the previous new asking bid and a new current bidder at least one additional cycle; generating an asking bid by incrementing the most recent current bid by a predetermined amount; displaying at the auction site in real-time, the most recent generated asking bid and the most recent current bid; broadcasting in real-time over the network the most recently generated asking bid and the most recent current bid; delaying the most recent variable controlled time window before accepting bid acceptance signals; monitoring the network for bid acceptance signals; terminating the acceptance of bid acceptance signals before a new bid acceptance signal is communicated over the network to the auction site, (Col. 6, lines 39-42, repeats process);

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identifying the most recent current bid as the winning bid; identifying the most recent current bidder as the winning bidder, (col. 6, lines 31-39, receives special acknowledgement that first bid was accepted before accepting another and posting the higher bid to all participants); and closing the auction; and

closing the auction, (Col. 6, lines 39-42, closes the auctioning),

As per claims 23, 111, neither Woolston nor Godin et al disclose the following, but Woolston does disclose facilitating internet commerce in the abstract, lines 1-23.

However, Risberg et al disclose:

wherein generating of asking bids comprises generating asking bids in a plurality of currency valuations, (col. 3, lines 63-65, currency look-up tables). Risberg et al discloses this limitation in an analogous art for the purpose of showing that different currencies can be located and applied in a bidding environment.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to generate ask bids in a plurality of currency valuations with the motivation of generating bids in different currencies.

As per claims 25, 28, 113, neither Woolston nor Godin et al disclose the following, but Woolston does disclose facilitating internet commerce in the abstract, lines 1-23.

However, Risberg et al disclose:

wherein broadcasting comprises broadcasting via television network/
broadcasting via conventional television broadcasting, (col. 128, lines 56-58, video

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display). Risberg et al discloses this limitation in an analogous art for the purpose of showing that bidding can occur over a television network.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to broadcast via television network to give television viewers a chance to bid.

As per claims 24, 26, 27, 28, 29, 73, 74, 112, 114, 115, 116, 117, neither Woolston nor Godin et al disclose the following, but Woolston does disclose facilitating internet commerce in the abstract, lines 1-23.

However, Risberg et al disclose:

Wherein the data input devices comprise telephones... wherein broadcasting via the television network comprises broadcasting via a satellite/ wherein broadcasting via the television network comprises broadcasting via a cable network/ a telephone network selected from the group consisting of a conventional telephone network, cellular network, satellite communications system, and the internet; and a video network selected from the group consisting of a satellite communications system, cable broadcast system, conventional television broadcast system, and the internet/a telephone network..., a video network... (Col. 68, lines 46-47, satellite transmission, where cable network includes satellite transmission with cable service). Risberg et al discloses this limitation in an analogous art for the purpose of showing that bidding can occur over satellite waves.

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to broadcast via a satellite and via cable network with the motivation of allowing cable viewers to bid via satellite transmission.

As per claim 71, Woolston fails to disclose the following, but does disclose facilitating internet commerce in the abstract, lines 1-23.

However, Godin et al discloses:

generating a prompt to the winning bidder over the first network seeking confirmation of the winning bid; and receiving confirmation from the winning bidder generated by the data input devices communicated over the first network, (Col. 6, lines 50-56, purchase confirmation). Godin et al discloses this limitation in an analogous art for the purpose of showing that purchases made can be confirmed.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to generate a prompt to indicate confirmation and to receive confirmation from the winning bidder with the motivation of confirming that a bidder has actually completed bidding on an item.

Claims 31-are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolston (US 6,202,051), and further in view of Godin et al (US 5,890,138), and further in view of Ausubel (US 5,905,975).

As per claims 31, 32, 33, 36, 75, 77, 119, 120, 121, 124, neither Woolston nor Godin et al disclose the following, but Woolston does disclose facilitating internet commerce in the abstract, lines 1-23.

However, Ausubel discloses:

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displaying and broadcasting information regarding the most recent current bidder/ wherein information regarding the most recent current bidder further comprises identifying the location of the most recent current bidder/wherein information regarding the most recent current bidder comprises identification of the most recent current bidder/wherein the auction site comprises the location of at least one computer participating in running the bidding system and the location of the auctioneer, (col. 10, lines 44-52, indicating shares being offered at each price and bid on when prices are incremented, and col. 17, lines 44-48, addressed location of user). Ausubel discloses this limitation in an analogous art for the purpose of awarding bidders shares at an offer price relative to the bid amount.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to display and broadcast information regarding the most recent, current bidder with the motivation of allowing participating bidders to have an idea of what the current bids and bidders are.

As per claims 34, 122, 149, 151, neither Woolston, or Godin disclose wherein the auction site comprises the location of at least one computer participating in running the bidding system, but does disclose facilitating internet commerce through internetworked auctions in the abstract, lines 1-23.

However, Ausubel discloses:

wherein the auction site comprises the location of at least one computer participating in running the bidding system, (Col. 12, lines 44-48, addressed location of

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user). Godin discloses this limitation in an analogous art for the purpose of showing that a user of the system can be located through use of an address.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the auction site to comprise the location of at least one computer participating in running the bidding system with the motivation of having means for easily locating a computer that is participating in the auction.

As per claims 35, 76, 123, 150, neither Woolston, or Godin disclose wherein the auction site comprises the location of at least one computer participating in running the bidding system, but does disclose facilitating internet commerce through internetworked auctions in the abstract, lines 1-23.

However, Ausubel discloses:

wherein the auction site comprises the location of the auctioneer, (col. 12, lines 60-63, address next sequential location). Ausubel discloses this limitation in analogous art for the purpose of showing that the auctioneer can be sequentially located within the auction.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the location of the auctioneer with the motivation of being able to locate the auctioneer during the auction.

As per claims 37-39, 41-44, 55-59, 78-80, 82-85, 96-100, 125-127, 129-132, 139-145, 152-154, 156-159, 166-172, Woolston does not disclose the following, however, does disclose facilitating internet commerce through internetworked auctions in the abstract, lines 1-23.

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However, Godin et al discloses:

wherein the at least one computer participating in running the bidding system and the auctioneer are located in the same building/ wherein the at least one computer participating in running the bidding system and the auctioneer are located in the same complex/ wherein the auctioneer is located in a different building than the at least one computer participating in running the bidding system and hence wherein the auction site comprises more than one location/ wherein at least one bidder receiving a broadcast while located in a remote location from the auction site is located in a different city than the auction site/wherein at least one bidder receiving a broadcast while located in a remote location from the auction site is located in a different building but in the same complex as the auction site/wherein at least one bidder receiving a broadcast while located in a remote location from the auction site is located in a different room but in the same building as the auction site/ wherein at least one bidder receiving a broadcast while located in a remote location from the auction site is located in the same hall as the auction site but is in a portion of the hall where the bidder is relying on the broadcast and a data input device to successfully participate in the auction/ wherein at least one bid spotter and the plurality of bidders on whose behalf the bid spotter is bidding are located at the auction site /wherein at least one bid spotter and the plurality of bidders on whose behalf the bid spotter is bidding are located in a remote location from the auction site/wherein the remote location from the auction site is located in a different city than the auction site/wherein the remote location from the auction site is located in a different building but in the same complex as the auction site/wherein the remote

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location from the auction site is located in a different room but in the same building as the auction site/...located in the same building/...located in the same complex/...wherein the auction site comprises more than one location/...different city.../....different building.../...different room.../...same hall...(col. 8, lines 34-37, users present at same location without all users being physically present in one location). Godin et al discloses this limitation in analogous art for the purpose of showing that users do not necessarily have to be positioned in the same order.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose the limitations above with the motivation of showing that the auction can be versatile.

As per claims 54, 60, 61, 95, 101, 102, 138, 165, neither Woolston, or Godin disclose wherein the auction site comprises the location of at least one computer participating in running the bidding system, but does disclose facilitating internet commerce through internetworked auctions in the abstract, lines 1-23.

However, Ausubel discloses:

wherein at least one bid spotter acts as a bidder on behalf of a plurality of bidders, generating bid acceptance signals representing a desire to acquire the subject of the auction at a current bid by using the data input devices communicating over the network to the auction site and wherein if a bid spotter is the winning bidder, then the bidder on whose behalf the bid spotter made the winning bid is the bidder who receives the subject of the auction/wherein at least one of the plurality of bidders using data input devices is a bid spotter and at least one of the plurality of bidders using data input

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devices is a bidder acting on their own behalf/ wherein at least one of the plurality of bidders on whose behalf the bid spotter is acting as a bidder is also independently generating acceptance signals with a data input device, (Col. 35, lines 42-51, bids entered on behalf of user). Ausubel discloses this limitation in an analogous art for the purpose of showing that bidders can have representatives.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate bid spotting with the motivation of showing that a bidder does not necessarily need to represent him or herself.

As per claims 70, 147, Woolston fails to disclose the following, but does disclose facilitating internet commerce in the abstract, lines 1-23.

However, Godin et al discloses:

generating a prompt to the winning bidder over the first network seeking confirmation of the winning bid; and receiving confirmation from the winning bidder over the first network, (Col. 6, lines 50-56, purchase confirmation). Godin et al discloses this limitation in an analogous art for the purpose of showing that purchases made can be confirmed.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to generate a prompt to indicate confirmation and to receive confirmation from the winning bidder with the motivation of confirming that a bidder has actually completed bidding on an item.

As per claim 72, Woolston discloses:

wherein the first network and the second network collectively comprise a combination of types of communications systems for communicating between bidders and the auction site, (Fig. 1).

Allowable Subject Matter

5. Claims 47-49, 51-53, 88-90, 92-94, 135-137 and 162-164 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

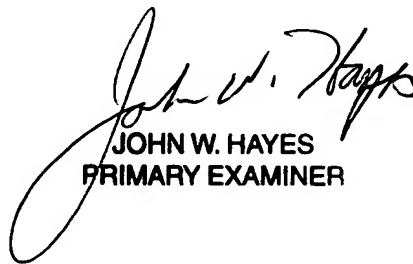
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ARB

A. R. B.
August 3, 2005


JOHN W. HAYES
PRIMARY EXAMINER